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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,925	12/13/2001	Bok-Ki Kim	678-770(P9837)	2218

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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,925	KIM ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12-9-2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4,5,7 and 8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karaki et al. (JP 403196745A, hereinafter Karaki) in view of Hibino and Tsutsumi (JP2000036853A)

Regarding claim 4, Karaki discloses a method of generating an alert sound having a proximity sensor installed in a receiver for detecting if human body is adjacent to the receiver within a predetermined distance, the method comprising the following steps of: determining if the human body is adjacent to the receiver when an incoming call is received, generating an alert sound in a normal level, if the human body is not detected adjacent to the receiver, generating the alert sound in low level lower than the normal level, if the human body is detected adjacent to the receiver(fig. 1, see abstract).

Karaki differs from claim 4 in that he does not teach the following: portable telephone for receiving telephone calls, and adjusting the level of the alert sound to the normal level after a certain time period.

However, Hibino teaches the following: portable telephone for receiving telephone calls (fig. 1, see abstract); Tsutsumi teaches the following: adjusting the level of the alert sound to the normal level after a certain time period (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Karaki's system to provide for the following: portable telephone for receiving telephone calls as this arrangement would facilitate user mobility as is well known in the art; adjusting the level of the alert sound to the normal level after a certain time period as this arrangement would provide to automatically increase call tone without being offensive to the ear of the user as taught by Tsutsumi

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karaki in view of Demuro and Tsutsumi.

Regarding claim 7, Karaki discloses an apparatus for adjusting the level of an alert sound in a telephone, the apparatus comprising: a proximity sensor (100, fig. 2) installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, an audio processing unit (reads on 111, fig. 2) for generating and outputting the alert sound via a speaker (112, fig. 2), a controller (90, fig. 2) for inspecting if the human body is adjacent to the receiver when an incoming call is received, generating the alert sound in a normal level through the control of audio processing unit if the human body is not detected adjacent, to the receiver, generating the alert sound in a low level lower than the normal level through the control of the audio processing unit if the human body is detected adjacent to the receiver (fig. 1, see abstract).

Karaki differs from claim 7 in that he does not teach the following: flip or folder-type cover for telephone for communications; adjusting the level of the alert sound to the normal level after a certain period of time.

However, Demuro teaches the following: flip or folder-type cover for telephone for communications (figs. 1-2); and Tsutsumi teaches the following: adjusting the level of the alert sound to the normal level after a certain period of time (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Karaki's system to provide for the following: flip or folder-type cover for telephone for communications as this arrangement would facilitate user mobility as is well known in the art; adjusting the level of the alert sound to the normal level after a certain period of time as this arrangement would provide to automatically increase call tone without being offensive to the ear of the user as taught by Tsutsumi

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demuro in view of Karaki and Tsutsumi.

Regarding claim 5, Demuro discloses the following: determining if the cover is open when the incoming call is received, generating the alert sound level in normal level ,if the cover is not open (figs. 1-2, col. 5, line 52 – col. 6, line 27).

Regarding claim 8, Demuro discloses the following: a cover hatch sensor (158, fig. 1) for detecting if the cover is open, an audio processing unit (270, fig. 3) for generating and outputting the alert sound via a speaker (292, fig. 3), a controller for inspecting if the cover is open when incoming call is received, generating the alert

sound in a normal level through control of audio processing unit if the cover is open (col. 7 lines 10-57).

Demuro differs from claims 5 and 8 in that he does not teach the following: a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, a controller for inspecting if the human body is adjacent to the receiver when an incoming call is received, generating the alert sound in a normal level through the control audio processing unit if the human body is not detected adjacent to the receiver, generating the alert sound in a low level lower than the normal level though control of audio processing unit if the human body adjacent to receiver and adjusting the level of the alert sound to the normal level after a certain time period.

However, Karaki teaches the following: a proximity sensor (100, fig. 2) installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, a controller (90, fig. 2) for inspecting if the human body is adjacent to the receiver when an incoming call is received, generating the alert sound in a normal level through the control audio processing unit (111, fig. 2) if the human body is not detected adjacent to the receiver, generating the alert sound in a low level lower than the normal level though control of audio processing unit if the human body adjacent to receiver (fig. 2, see abstract); and Tsutsumi teaches the following: adjusting the level of the alert sound to the normal level after a certain period of time (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Demuro's system to provide for the following: a proximity sensor installed in a receiver for detecting if a human body is adjacent to the receiver within a predetermined distance, a controller for inspecting if the human body is adjacent to the receiver when an incoming call is received, generating the alert sound in a normal level through the control audio processing unit if the human body is not detected adjacent to the receiver, generating the alert sound in a low level lower than the normal level though control of audio processing unit if the human body adjacent to receiver as this arrangement would facilitate controlling call alert signals based on detecting whether user is present or not at the telephone as taught by Karaki, thus enhancing user convenience; adjusting the level of the alert sound to the normal level after a certain time period as this arrangement would provide to automatically increase call tone without being offensive to the ear of the user as taught by Tsutsumi.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi (JP02000270048A) in view of Hibino and Tsutsumi

Regarding claim 2, Ishibashi discloses a method for adjusting an alert sound in a telephone, comprising: determining if an alert sound adjusting mode is set when an incoming call is received, generating the alert sound in a first level, if the alert sound adjusting mode is not set, generating the alert sound in a level lower than the first level, if the alert sound adjusting mode is set (fig. 1, see abstract).

Ishibashi differs from claim 2 in that he does not explicitly teach the following: portable telephone for receiving telephone calls; and adjusting the level of the alert

sound to the first level after a predetermined time period, thereby allowing a user to recognize the incoming call and move the portable telephone to prevent surprise or damage from the alert sound

However, Hibino teaches the following: portable telephone for receiving telephone calls (fig. 1, see abstract); and Tsutsumi teaches the following: adjusting the level of the alert sound to the first level after a predetermined time period, thereby allowing a user to recognize the incoming call (fig. 1, see abstract) but neither Hibino nor Tsutsumi teach moving the portable telephone to prevent surprise or damage from the alert sound; but it would have been obvious to one of ordinary skill in the art at the time invention was made to do this, as most people do instinctively in order to protect their ears from unpleasant sound level.

Response to Arguments

6. Applicant's arguments with respect to claims 2, 4, 5, 7-8 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643